IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 333 OF 2004

Shri. Anantrao Balaram Gulekar
(since deceased) Through L.Rs. ...Petitioners

Versus

Smt. Pramila Pandurang Gulekar
and Others ...Respondents

.....

Ms. Gauri Godse, counsel for Petitioners

Mr. P.S. Dani, counsel for Respondent No.6.

.....

CORAM: B. H. MARLAPALLE, J.

DATED: 30TH MARCH, 2005

P. C.:-

1. Heard Ms. Godse, the learned counsel for the petitioners.

2. Pursuant to the decree passed by the trial court, the papers were forwarded to the Collector Raigad for drawing map for distribution of the suit property (agriculture land) located in Survey No. 85 to 87 and 102 of village Wadgaon in Alibag Taluka of Raigad District. The Taluka Inspector of land records accordingly drew the maps. The present petitioners filed an application taking objections to the said map, on 30.1.1996. The said objections were considered by the Collector and by his order dated

10.6.1996 he accepted the maps drawn the he further proceeded to direct the Tahsildar Alibag to hand over the possession of the respective shares.

3. This order passed by the Collector on 10.6.96 was challenged by the petitioners in appeal No. 88 of 1996 before the Revenue Commissioner, Kokan Region. The said appeal came to be dismissed by the Additional Commissioner on 14.8.97. The petitioners thereafter, approached the State Government by filing Second Appeal before the State Government and the same was also dismissed on 7.10.2002. The decision of the lower appellate authority was confirmed by the State Government.

4. The main objection raised by the petitioners before the Collector in their written say dated 30.1.1996 was of two folds; (i) the agriculture land in survey No. 87 was shown in the share of decree holders and survey No.102 was divided in two parts. In short it was alleged that the better quality land was shown in the share of the opposite party. When this grievance was reiterated before the Additional Divisional Commissioner, the petitioners were offered to exchange of the share (distribution) by the counsel appearing for the opposite party i.e. the present respondents but the petitioners did not agree to this proposition as well. The Secretary and the

Special Officer (Appeals) has rightly considered this aspect and held that there was no other challenge which required interference in the view taken by the Collector as well as the Additional Commissioner. These concurrent findings related only to the Watap Takta (distribution map) drawn by the T.I.L.R. Alibag in pursuance of the decree passed by the Civil Court and the grounds of challenge raised in this petition to the concurrent findings did not make out any case for calling interference in the same findings. Hence, the petition fails and the same is hereby rejected summarily.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 531 OF 2005
IN
WRIT PETITION NO. 333 OF 2004

Shri. Anantrao Balaram Gulekar
(since deceased) Through L.Rs. ...Petitioners

Versus

Smt. Pramila Pandurang Gulekar
and Others ...Respondents

.....

Ms. Gauri Godse, counsel for Petitioners

Mr. P.S. Dani, counsel for Respondent No.6.

.....

CORAM: B. H. MARLAPALLE, J.

DATED: 30TH MARCH, 2005

P. C.:-

. In view of the disposal of writ petition, this civil application does not survive and the same is disposed of as infructuous.